



TOWN OF

KENSINGTON

OCTOBER
2003
JOURNAL

Meeting Schedule

Monday, October 27 at 7:30 p.m.

**Public Hearing on Proposed Changes to Chapter V of the
Town of Kensington Code, Housing and Building Regulations**

Town Meeting

(immediately following Public Hearing)

**Introduction of Changes to Chapter V of the
Town of Kensington Code, Housing and Building Regulations**

**Police Officer from the 2nd District will be coming to speak
to residents on traffic enforcement in Kensington**

Kite Festival

12th Annual Kite Festival will be at Rock Creek Hills Park on
Sunday, October 26, 2003 from 11:00 a.m to 2:00 p.m.

Contact us at 3710 Mitchell Street, Kensington, MD 20895
Phone: 301-949-2424; Fax: 301-949-4925;
E-mail: mayor.council@tok.org; Web Site: www.tok.org

The Journal is now being mailed. If you are already reading it on the web site or if you do not wish to receive it, please contact the Town Office to have your address removed from the mailing list in an effort to cut expenses. Thank you for your cooperation.

Upcoming Meeting Schedule

November 3, 7:00 p.m. Work Session
November 24, 7:30 p.m. Town Meeting
December 15, 7:00 p.m. Work Session

Reminder

The Town Offices will be **open** on Tuesday, November 11th and will be closed on Thursday and Friday, November 27th and 28th. There will not be a trash pick up on Friday, November 28th.

Holiday Celebration Information

This year our Holiday Celebration event will take place at the Howard Avenue Park on Friday, December 5th the same evening as the traditional "Open House" hosted by the Antique Row businesses. Earlier that week Town Hall will be decorated with lights and holiday wreaths.

Once again, we hope to use our connection with the North Pole at the Kensington Volunteer Fire Station to bring Santa Claus to us via a fire truck to help us turn on the lights on a fresh cut evergreen tree at the Howard Avenue Park. Refreshments and music will be provided for everyone's enjoyment.

The Committee hopes a volunteer will step forward to supervise the stringing of lights on the large tree in front of Town Hall. Decorating the large tree involves finding a sponsor to purchase lights and scheduling time with a tree service contractor. The lights take between three to four hours to hang. The volunteer will also be responsible for scheduling lights removal in early January.

If you are interested in planning or volunteering to help with this year's Holiday Celebration please contact the Town Office at 301-949-2424.

Volunteers

Volunteers needed for Emergency Communications

Isabel left us knowing how important communication with and between our residents is during an emergency. Andrea Gill has volunteered to coordinate information dissemination to our residents during an emergency. She is asking for volunteers from each street to assist her in this effort. The committee will work closely with Town Hall to

assist our residents by keeping you informed. To volunteer as a TOK Emergency Street Captain, contact Andrea Gill at 301-949-4030.

Volunteers needed to help create new Town web site

Are you good with words? Do you have an eye for graphic design? Have some good digital photos of a Town landmark or a recent Town event? Are you knowledgeable about the Town and the area? If you can say yes to any of the above, we hope you can volunteer to help. No computer skills are required and the work will be completed by mid-November. The Mayor and Council recently approved a plan to update and expand our Town website with more photos and information. We need help from Town residents to put the finishing touches on the design. Please contact the Town office if you are interested in helping.

Adopt a Park

The Town needs residents interested in volunteering to help maintain our parks. This is a great Community Service Project for High School Students. Please contact the Town office if you are interested in helping.

Building Permits Issued

Replace fence at 3700 Farragut Avenue
Interior work at 10212 Kensington Parkway
Deck at 10205 Connecticut Avenue
Addition at 3713 Dupont Avenue

Farmers Market

The Farmers Market is still open on Saturdays between 8:00 – 12:00 at the Train Station. Many vendors will continue to be there through December.

Attention Kensington Residents

Are you a life long resident of Kensington? Are you 85 years of age or older? If you answer yes to both of the above questions, let the Town Office know. The Mayor would like to present you with a certificate of recognition for your continued support of our Town.

Sign Ordinance Workshop Cancelled

The workshop scheduled for November 6th covering procedures of the sign ordinance has been cancelled and will be rescheduled after the first of the year. Please remember that in the interim all new or replacement signs still require review and permitting by the Town.

Proposed Changes to Chapter V of the Town Code

At its October 27th meeting, the Council will be introducing changes to the Town's Code Section: 5-102 (Town Building Permit Required); Section 5-104 (Building Lines); and Article 4 (Historic Preservation) pursuant to its discussion on these provisions over the past several months and meetings. There will be a hearing immediately preceding the October 27th meeting for citizen input on these changes. The intent of these proposed amendments are: (1) to make the Town's procedures more consistent with the County's and (2) to continue to preserve additional greenspace between homes. Key highlights of the proposed changes are:

5-102: Applicants will be asked to provide the Mayor, Council and Town Staff with more detailed information on the scope of their proposed project and its proximity to adjacent homes.

- 5-104: A. The sideyard setback for all new construction on vacant lots is increased to eleven (11) feet but Montgomery County exemptions for projections will now be explicitly incorporated by the Town (except for chimneys and exterior window wells used for ingress or egress); for homeowners within the eight foot side line setback, new construction must be built a minimum of eight feet from the side line with a one-foot set-in, for homeowners in the eight to ten foot range from the side line, new construction must be set-in one additional foot;
- B. Consistent with Montgomery County variance procedures, the applicant will be asked to show that the request is for the minimum necessary to overcome the unique conditions of the property (structure and/or land); and
- C. The Town's interest in this issue is expressly included.

Article 4. Historic Preservation.

- A. Language on the creation of the historic district and adoption of the *Vision of Kensington* as the preservation guideline for the Town's historic district is added; and
- B. When variances are approved by the Town for a property within the historic district, a letter will be sent to the homeowner and Montgomery County Historic Preservation Commission stating that design approval (which may include an additional setback requirement) rests with the HPC, not the Town.

The following is the official wording:

Section 5-102. Town Building Permit Required

- (a) It shall be unlawful to construct, enlarge, alter, remove, or demolish any building or structure or part thereof without first obtaining a building permit from the Town. Application therefore, together with

- (1) a copy of the plans and specifications for the work to be done,
- (2) a plot plan drawn to scale showing:
 - (a) the lot on which the proposed building is to be erected, including lot dimensions;
 - (b) name and width of abutting streets
 - (c) location and dimensions of existing buildings on the same lot,
 - (d) distance from adjacent homes; and
 - (e) front, rear and side yard widths.
- (3) evidence of approval of all variances necessary for the completion of the construction if needed shall be filed with the Clerk-Treasurer, who shall issue the permit after review of the Mayor and Building Inspector, with the latter being satisfied that all such work shall comply with all ordinances of the Town. Property owners in the historic district must obtain an historic area work permit before filing application for a building permit.

Section 5-104 Building Lines

- (a) The Council may establish a uniform building line upon any street on land zoned for single-family residential use and require that buildings or structures thereafter erected conform to such line.
- (b) Unless a variance is granted in accordance with this Section, no dwelling or any part or projection thereof on land zoned for single-family residential use shall be erected or located:
 - i. Center Line: nearer than twenty-five (25) feet to the center line of the street on which the dwelling will face,
 - ii. Side Line:
 - a. For new construction on vacant lots, nearer than eleven (11) feet;
 - b. For homes already located within eight (8) feet of either side line, nearer than eight feet with a one foot set-in;
 - c. For homes already located between eight (8) to ten (10) feet of either side line, nearer than one additional foot.
 - iii. Adjacent homes: nearer than fifteen (15) feet to any other dwelling
 - iv. Back Line: nearer than twenty (20) feet to the back line of the lot.
- (c) Notwithstanding any contrary definition in Chapter 59 of the Montgomery County Code or practical application by the County thereof, the phrase “dwelling or any part or projection thereof” in subsection (b) above shall exclude the following: cornices, eaves, roof overhangs, air conditioners, heat pumps, and window wells that are not attached to any outside stairway or other mode of ingress or egress. Chimneys, fences and exterior window wells attached to outside stairways or used for ingress or egress and stairways themselves are not excluded. They are “parts or projections” of the dwelling for purposes of this Section.

- (d) Upon written request for a variance in accordance with this Section, the Council may in its discretion approve alternative building lines when it appears that:
- (1) By reason of exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary situations or conditions peculiar to a specific parcel of property, the strict application of building lines would cause the owner of such property peculiar or unusual practical difficulties or exceptional or undue hardship; and
 - (2) The requested variance is the minimum necessary to overcome the unique condition of the property; and
 - (3) Such variance will not be detrimental to the use and enjoyment of adjoining or neighboring properties and the interests of the Town as a whole.
- (e) In addition to the conditions above the Council shall consider the spacing and setbacks of nearby structures in considering approval of alternative building lines.
- (f) To apply for a variance, the applicant shall:
- (1) Complete a Variance Application;
 - (2) Pay to the Clerk-Treasurer a variance application and sign fee, the amount of which shall be determined by resolution of the Council from time-to-time; and
 - (3) Provide seven (7) copies of the following:
 - (i) Variance Application;
 - (ii) A survey, plat or other accurate drawing(s) showing boundaries, dimensions, area, topographical and frontage of the property involved, as well as the location and dimensions of all structures existing and proposed to be erected, and the distances of such structures from the nearest property line;
 - (iii) Plans, architectural drawings, photographs, elevations, specifications or other detailed information depicting fully the exterior appearance of existing and proposed construction involved in the construction;
 - (iv) A listing and set of mailing labels with the names and mailing addresses of the adjoining and confronting property owners; and
 - (v) A copy of the official zoning vicinity map of the 1,000 feet radius surrounding the subject property to indicate the general condition of use and existing improvements on adjoining and confronting properties (i.e. outline of lot, improvements on lots, other variances granted, zoning).
- (g) Within ten (10) days of its receipt of all items required to by subsection (f), the Town will post a sign visible and legible from the street fronting the property identifying the nature of the variance requested and provide the date of the public hearing on the variance.
- (h) Work on buildings or alterations must be commenced within six (6) months after the issuance of any building permit, and must be completed within one (1) year from the date of issuance. The Town Council may grant an extension upon a reasonable

showing that there has been no material change in circumstances since the issuance of the permit and despite due diligence by the permittee, additional time is necessary to accomplish the approved construction. Failure to complete all work in accordance with this subsection and with the terms of the building permit by the expiration date of such permit (and any extension granted) shall be a municipal infraction of this Code. Each day (after the permit expires) that such work is incomplete shall constitute a separate infraction.

- (i) Any dwelling legally erected with side building lines shorter than those established by these provisions shall not be considered to be non-conforming, and in the event of destruction of said dwelling may be reconstructed under the building lines in effect at the time of its initial construction.

Article 4. Historic Preservation

Add before Section 5-401

The Town accomplished the inclusion of its historic district on the National Register of Historic Places in 1980. In 1986, the district was designated as a Montgomery County Historic District. The district is distinguished as a collection of late 19th and early 20th century houses exhibiting a variety of architectural styles popular during the Victorian period including Queen Anne, Shingle, Eastlake, and Colonial Revival. The houses share a uniformity of scale, set back, and construction materials that when coupled with the subdivision plan creates a Victorian garden suburb. ***The Vision of Kensington*** has been adopted as the Preservation Plan for the Town's Historic District.

Mayor's Report

Hurricane Isabel was not as hard on Kensington as she was in other areas. A few trees and many branches were damaged. However she left her mark on Washington St. west of Connecticut Ave. A large maple tree fell on two homes taking down power lines and leaving the street without power for eight days.

Several streets in Town were without power for several days. Some residents came to Town Hall for ice or to recharge batteries. The Kensington Spirit was high as always. Residents assisted one another and made sure their neighbors were okay during the outage.

PEPCO provided government officials a teleconference briefing each day to keep us informed. It's important that all governments work together with PEPCO to find a solution for preventing the continued power failures we experienced during storms throughout the year.

Thank you to our residents for your patience during this trying time. We thank our Town crew who worked diligently to clean up the aftermath of Isabel. The Town office was without power for about 15 hours. The staff handled the many phone calls and kept residents informed during the aftermath of the storm.

Thanks to Jenny Smith and her many volunteers our 8K Race went on as scheduled and everyone had a great run. A big thank you to those who swept the streets. Without their assistance the race could not have gone on as planned.

The renovations of the Montgomery Municipal Cable Station and Studio have been completed. After several months of being closed due to the removal of lead in the old firing range MMC is now ready to start with new programs of interest to residents in Montgomery County. Be sure to start checking Channel 16 to see the improvements to Montgomery Municipal Cable.

Thanks to our business community.

Mizell Lumber made room on their property to take delivery of our new speed warning device. American Self Storage helped upright some trees in St. Paul Park after the storm. Thanks to both businesses for your assistance.

A special thanks to Chris Bruch who continues to help with the renovation in our Town Hall Community Center. His expertise in building codes and procedures is extremely helpful to our ongoing renovations.

COUNCIL REPORTS

Council Member Carr

Traffic Advisory Committee – The next traffic committee meeting is tentatively scheduled for Wednesday, October 29th at 7pm in the council room at the Armory. Meetings are open. Please feel free to attend if you are interested in learning more about the committee. Topics for discussion will include Wake Drive & Frederick Avenue as well as Plyers Mill Road.

Cedar Lane – The Town received a letter from the State Highway Administration notifying us that the left turn restriction from Rockville Pike onto Cedar Lane will be lifted in 2004 after work is completed to lengthen the storage lane. The town had lobbied for this change in support of our neighboring citizen's associations. If you've ever commuted between Kensington and northern Virginia, I'm sure you will appreciate this needed improvement. Be sure to thank State Senator Sharon Grosfeld for her key role in persuading SHA to make this change. While the change is welcome, it increases the need for County improvements at Summit and Knowles.

Director of Operations Report

Solid Waste - Trash Cans must not be placed on street before 4PM the day before pick up, however they must be placed on the street no later than 7AM the day of pick up. Trash Cans must be removed from street after pick up.

Yard Waste - Must be in paper bags, cans, or tied in bundles. The Town is not picking up piles of branches.

Leaf Pick-Up - Leaf pick-up will start the week of Oct. 20. Details are in the enclosed flyer. Please do not mix stick with your leaves as they clog and damage the machine.

Parks - Playground mulch has finally been placed in both Reinhardt and St. Paul Park. Construction of St. Paul Park drainage, paths, and parking will begin in about 2 weeks.

Streets - Re-paving of Kensington Parkway and Warner Street (East of Conn. Ave.) will begin next week. There will be street closings, detours, and restricted parking during constructions. Residents along those streets will be getting special notices. Others please be aware of these activities.

Surplus Property for Sale - HP-870 CSE ink jet printer, \$30.00

Town Meeting

September 22, 2003

A public hearing was held on a variance request for 3817 Calvert Place. The property owners requested a variance for an encroachment of 2.5 feet into the 10 foot side lot line setback on the east side in order to build a two-story addition on the back of their house. They stated the addition would be set in six inches further than the existing structure. There was no opposition from the neighbors.

A public hearing was held on proposed changes to Chapter V of the Town of Kensington Code, Housing and Building Regulations. Residents expressed concerns that the proposal for continuation of the 10 foot side yard setback with allowance for Montgomery County exemptions may not be consistent with original intent of the ordinance or provide enough protection of the Town greenspace and asked the Council to consider making the side yard setback greater than what was being considered. The Council will continue to work on the proposed changes and will discuss further at the next work session.

Mayor Raufaste called the Meeting to order at 8:40 p.m. with Council Members Carr, Cowan, Pfautz, and Timlin, and Clerk-Treasurer Engels present. The Pledge of Allegiance was recited. A Moment of Silence was observed.

The Mayor and Council presented monthly reports.

The Council concurred to move forward with the web site proposal.

In response to a resident's request, the Town will seek volunteers to be in charge of notifying other residents that the Town Hall is available for use when there is a power outage or other emergency.

Council Actions

Council Member Carr moved to approve the variance at 3817 Calvert Place for 2.5 feet from the required 10 foot setback on the east side because there was no opposition from adjoining or neighboring properties, the lot was irregularly shaped, and the applicants were asking for the minimum necessary to achieve their needs. Council Member Pfautz seconded and the motion passed. Council Member Cowan opposed the motion.

Council Member Timlin moved to approve a letter being sent to PEPCO expressing concerns over the length of the power outage and the need for better communications in the future. Council Member Pfautz seconded and it passed unanimously.

Council Member Pfautz moved to approve the minutes from the August 28 and September 2, 2003 work sessions. Council Member Carr seconded and it passed unanimously.

There being no further business, the meeting adjourned at 9:30 p.m.

Work Session of Mayor & Council

October 7, 2003

The Work Session commenced at 7:00 p.m. Mayor Raufaste, Council Members Carr, Cowan, Pfautz, and Timlin, Director of Operations Furman, and Clerk-Treasurer Engels were present and the following issues were addressed:

The Council discussed the request for a Do Not Enter Sign on Wake Drive and One Way Sign on Wake Drive between Frederick Avenue and Kent Street and concurred to have a traffic engineer study those intersections along with the intersection of Perry Avenue and Lexington Street. The Council also concurred to ask the traffic committee to review the request and the traffic count data that had been collected in the past in order to better define the problem.

The Mayor and Council discussed the revised proposed changes to the Town of Kensington Code, Housing and Building Regulations. A majority of the Council agreed to propose an 11-foot side yard setback with allowance for Montgomery County exemptions and more stringent variance requirements. The Council will forward the changes to the attorney for review and introduce the changes at the next Town Meeting.

The Council reviewed and approved the new contract with Kensington Arts Theatre.

The Council reviewed the MMC contract and will forward it to the Town Attorney for review.

The Project List was reviewed and updated.

The Mayor and Council concurred to move forward with the planned St. Paul Phase II improvements. The Town will request additional program open space funds and add additional Town funds to cover higher costs than originally projected.

The Mayor and Council approved the letter drafted by Council Member Carr to request that SHA install a crosswalk along the south side of Plyers Mill Road across Connecticut Avenue.

Council Member Carr will draft a letter for Mayor and Council to review to the County Executive requesting lane improvements (left turning lane, thru lane, and right turning lane) referenced in Kensington Concept Plan at the south end of Summit and Knowles intersection.

The Town will seek volunteers to help with park weeding in the spring.

The monthly correspondence was reviewed.

The minutes from the September 22, 2003 Work Session were reviewed.

There being no further business, the meeting adjourned at 9:50 p.m.

TOWN OF KENSINGTON

LEAF SCHEDULE – 2003

Leafing will be October 21 through December 15.

We ask that all leaves be placed curbside, either in paper bags, trash cans marked leaves, or loosely raked in piles. No sticks or branches as they clog and damage the machine.

Leaves will be picked up on Tuesdays, Wednesdays and Thursdays.

Please refer to the map below to see your leafing location.

1. Tuesday will be all streets west of Conn. Ave.
2. Wednesday will be all streets north of metropolitan and east of Conn. Ave
3. Thursday will be all streets east of Conn. And south of Howard Ave.

This schedule may vary depending on weather conditions or equipment breakdowns, please contact Public Works Dept. at 301-949-2424 if you have questions.

